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EXECUTIVE OFFICER

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

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December 18, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

COUNTY LOBBYIST RULES AND OPERATIONAL PROCEDURES (ALL DISTRICTS) (3-VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the attached Rules and Operational Procedures for Administration and Enforcement of the County of Los Angeles Lobbyist Ordinance, Chapter 2.160 of the Los Angeles County Code, to be effective as of the date of adoption; and
2. Instruct my office to distribute copies of both to registered lobbyists, lobbying firms, lobbyist employers and to all County Department/District Heads.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On October 23, 2007, your Board adopted revisions to Chapter 2.160 of the Los Angeles County Code, Lobbyist Ordinance ("Ordinance"). The revisions require annual registration renewal, and provide for an increase in fees and penalties, and other technical or non-substantive changes to the Ordinance.

My office is responsible for receiving allegations of violations, and initiating and overseeing the investigation and disposition of alleged violations, and collection of fees and penalties imposed under the Ordinance. Therefore, pursuant to the authority granted under the Ordinance, my office working in collaboration with the County Counsel's office, has revised the attached Rules Relative To County of Los Angeles Lobbyist Ordinance and also developed the attached Operational Procedures, relating to the imposition of administrative fines and noncompliance fees, for your approval.

Implementation of Strategic Plan Goals

Approval of the attached Rules and Operational Procedures broadly supports the County Strategic Goals of Workforce Excellence and Fiscal Responsibility.

FISCAL IMPACT/FINANCING

The recommended action provides the mechanisms to assist in recovering costs associated with administering and enforcing the Ordinance.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In 1993, your Board adopted the Ordinance which requires lobbyists and lobbying firms to register with the County if they receive compensation for communicating with any County official in order to influence official action of the County, and requiring any person or entity that employs a lobbyist for this purpose to register as a lobbyist employer. The Ordinance also requires for the filing of quarterly reports, detailing lobbying expenditures to County officials, by any registered lobbyists, lobbying firms and lobbyist employers, and any person or entity not otherwise meeting the definition of County lobbyist or lobbying firm that directly or indirectly expends \$5,000 or more in a calendar quarter attempting to influence an official County action through activities of the type that a County lobbyist or lobbying firm would be required to report.

At your Board's instruction, in September of 2007, my office in collaboration with the Chief Executive Office and County Counsel presented recommendations to your Board to amend the Ordinance to provide for more stringent enforcement procedures to better ensure compliance with the Ordinance, and an updated filing fee structure to be more consistent with other local public agencies and to assist in recovering some of the costs incurred in administering the Ordinance.

Thereafter, on October 23, 2007, your Board adopted amendments to the Ordinance implementing these recommendations. The Ordinance became effective on November 29, 2007. The key provisions of these amendments provide for:

- An increase in the maximum civil liability from \$2,000 to \$5,000 per violation that may be recovered in a civil action brought by the County against any person or entity who has failed to comply with requirements of the Ordinance;
- An administrative fine procedure in which my office may impose an Administrative Fine of up to \$5,000 per violation for any person who violates any provision of the Ordinance and a Non-Compliance Fee of up to \$5,000 per violation for any person who fails to come into compliance with any provision of the Ordinance;

- A procedure in which lobbyists, lobbyist firms, and lobbyists employers may be suspended and prohibited from engaging in lobbying activities for repeated violations of any provision of the Ordinance;
- An increase in the additional fee imposed for late filing from a maximum of \$250 to \$25 per day for the first ten days after the due date of the filing, \$50 per day for the next ten days if the filing is not made within ten days after the due date; and \$75 per day until the date that the filer comes into compliance with the provisions of the Ordinance or the date that any other penalties are imposed by your Board or my office, as provided for in the Ordinance, whichever comes first, if the filing is not made within twenty days after the due date;
- Registration fees of \$450 per individual Lobbyist and \$75 for each Lobbyist Employer, commencing July 1, 2008;
- Yearly renewal of registration as of January 1, 2009; and
- A "good cause" provision within the Ordinance to allow for the waiving of late filing fees similar to the procedures employed by the Secretary of State's Office

IMPACT OF CURRENT SERVICES

The Rules and Operational Procedures provide for the administration of the Lobbyist Ordinance and guidance as to the application of the various provisions of the Ordinance. Specifically, the Rules and Operational Procedures contain definitions for key terms and phrases, and provide the procedural framework for processing violations, as well as the guidelines for enforcement, and the collection of the fines, fees, and penalties established in the Ordinance.

Respectfully submitted,



Sachi A. Hamai
Executive Officer

SAH:dg

Attachments

c: Chief Executive Officer
County Counsel

**RULES RELATIVE TO
COUNTY OF LOS ANGELES
LOBBYIST REGISTRATION ORDINANCE
CHAPTER 2.160 OF THE COUNTY CODE**

Section 1.0 Registration

1.1 Duties and Prohibitions of Lobbyists, Lobbying Firms, and Lobbyist Employers. When any duty or prohibition is imposed upon a lobbyist, lobbying firm or lobbyist employer by the Lobbyist Ordinance, Chapter 2.160 of the Los Angeles County Code, that duty or prohibition shall begin as of the day the lobbyist person or entity meets the definition of a County lobbyist, lobbying firm, or lobbyist employer as set forth in the Lobbyist Ordinance and Section 2.4 Section 2.0 of these Rules.

1.2 Initial Registration. Within 10 days of first becoming a County lobbyist, lobbying firm or lobbyist employer, that person or entity, shall file with the Executive Officer of the Board of Supervisors the necessary completed registration forms supplied by the Executive Officer. The registration forms submitted to the Executive Officer shall be accompanied by payment of the appropriate fee or fees as provided in Section 9.0 of these Rules.

1.3 Annual Renewal of Registration.

A. Any County lobbyist, lobbying firm, or lobbyist employer currently registered with the Executive Officer as of January 1, 2008, shall retain that status through December 31, 2008, unless the registration is terminated prior to that time. Thereafter, as of January 1, 2009, all registrations shall automatically terminate, unless renewed as provided in this Subsection.

B. Beginning on January 1, 2009, any person or entity seeking to retain its status as County lobbyist, lobbying firm, or lobbyist employer, must annually renew its registration and pay any applicable annual registration fees to the Executive Officer as provided in Section 9.0 of these Rules. The annual renewal of registration and appropriate fee(s) are due on or before the 10th day of January of the year of renewal. However, additional fees for late filing will not be imposed if a County lobbyist, lobbying firm, or lobbyist employer files an annual renewal of registration and all required fees at the same time as the quarterly report for the last quarter of the previous year is filed, i.e., on or before the 31st of January of the year of renewal.

4.31.4 Acceptable methods of registering. A registration is deemed acceptable if it is originally signed by the registrant and mailed-transmitted to the Executive Officer of the Board of Supervisors via the U. S. Mail, guaranteed overnight delivery service, or hand delivery delivered, or by another method of transmission which has been expressly approved and authorized by the Executive Officer to the Executive Office of the Board of Supervisors. A registration is not acceptable if it is filed with the Executive Officer via fax equipment or any method not expressly approved and authorized by the Executive Officer.

1.5 Terminated Registration. As provided in Subsection 11.1 of these Rules, a registration shall not be accepted if (A) the person or entity has been

found to be in violation of the Lobbyist Ordinance and has failed to pay all fees or otherwise satisfy all sanctions or penalties imposed under the Lobbyist Ordinance; or (B) the person or entity attempts to re-register within the period of time in which such person or entity is prohibited from re-registration pursuant to Section 11.0 of these Rules.

Section 2.0 Definitions

2.1 ~~Definition of Lobbyist.~~

A. Chapter 2.160 of the Los Angeles County Code defines a lobbyist as A lobbyist is any individual who is employed, contracts or otherwise receives compensation, other than reimbursement for reasonable travel expenses, to communicate directly, or through agents, employees or subcontractors, with any County official for the purpose of influencing official County action, if a substantial or regular portion of the activities for which he or she receives such compensation is for the purpose of influencing official County action.

B. To determine whether or not the activities for which an individual is compensated for the purpose of influencing official county County action constitutes "substantial" or "regular," two tests shall be applied. A person who meets the requirements of either of the following tests shall be considered a County lobbyist.

1. The compensation test:- The person receives or becomes entitled to receive at least \$1,000 in compensation in any calendar month for influencing official County action. Compensation received by a full time employee engaged primarily to perform services other than influencing official action, or for administrative testimony, shall not be included in computing the amount of compensation in this test.

2. The contact test:- The person receives or becomes entitled to receive any amount of compensation for engaging in direct communication, other than administrative testimony, with County officials for the purpose of influencing official County action on at least 5 five separate occasions in any two three consecutive calendar months.

2.2 Lobbying or lobbyist firm means a business entity, including an individual lobbyist, which receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of influencing official action on behalf of any other person, if either any partner, owner, officer or employee of the business entity is a lobbyist, or a substantial or regular portion of the activities for which the business entity receives compensation is for the purpose of influencing official County action. Whether or not the activities for which such entity or individual is compensated for the purpose of influencing official County action constitutes "substantial" or "regular," and therefore, the entity or individual is considered to be a lobbying firm, shall be determined pursuant to the tests set forth in Subsection 2.1 of these Rules.

2.2 ~~Definition of lobbyist employer~~ 2.3 Lobbyist employer. A is a person or entity, other than a County lobbying firm, who, for economic consideration other than reimbursement for reasonable travel expenses, either employ one or more County lobbyists or contracts for the services of a County

lobbyist or County lobbying firm for the purpose of influencing official County action.

~~2.3 — Definition of administrative testimony.~~ 2.4 Administrative testimony means appearing as an attorney or advocate representing a party to an administrative proceeding, the decision of which is reviewable by a court pursuant to Code of Civil Procedure Section 1094.5. Time spent representing clients in such formal quasi-judicial administrative proceedings should not be counted in evaluating the level of lobbying activities to determine whether a person meets the "substantial" or "regular" test. Administrative testimony does not refer to public hearings of the type often held by the Board of Supervisors to receive public comment on matters pending before the Board.

~~2.4 — Definition of direct communication.~~ 2.5 Direct communication includes appearing as a witness before, talking to (either by telephone or in person), corresponding with (including, but not limited to, electronic mail), or answering questions or inquiries from, any County official, either personally or through an agent who acts under one's direct supervision, control or direction. Direct communication does not include any request for or provision of purely technical data or analysis to a County agency by a person who does not otherwise engage in direct communication for the purpose of influencing official County action.

~~2.5 — Definition of County official.~~ 2.6 County official includes a member of the Board of Supervisors, the Sheriff, the Assessor, the District Attorney, a county commissioner, and any other ~~county~~ County officer or employee whose duties are not primarily clerical or manual.

~~2.6 — Definition of official County action.~~ 2.7 Official County action means the drafting, introduction, consideration, modification, enactment or defeat of any ~~county~~ County ordinance or ~~board of supervisors~~ Board of Supervisors motion or resolution, or the granting or denial of any ~~county~~ County contract, permit, grant, license or franchise.

~~2.7 — Definition of influencing official County action.~~ 2.8 Influencing official County action means promoting, supporting, influencing, modifying, opposing or delaying any official action by any means, including but not limited to the provision or use of information, statistics, studies or analyses. Influencing official County action does not include actions strictly limited to compliance of formal County requirements for approval or granting of a ~~county~~ County contract, permit, grant, license or franchise.

2.9 Time deadline. When any registration, report, or other required document is properly addressed to the Executive Officer and sent first-class mail, postage prepaid, or by guaranteed overnight delivery service, it shall, for purposes of any time deadline, be deemed to have been received on the date of the deposit in the mail. It shall be presumed until the contrary is established that any date stamped by the post office or guaranteed overnight delivery service on the envelope containing the registration, report, or other required document is the date it was deposited in the mail. Mail that is not received by the Executive Officer shall be presumed not to have been sent unless the filer possesses a post office receipt or receipt from a guaranteed overnight delivery service establishing the date of deposit and the name and address of the addressee. When the last day to perform or complete any act provided for in the Lobbyist

Ordinance or these Rules falls on a Saturday, Sunday, or County holiday, the time deadline is extended until the next business day.

Section 3.0 Departments' Responsibilities

3.1 All County departments are to identify individuals and entities ~~who that~~ may be subject to the ordinance Lobbyist Ordinance and to advise them of the information contained in the ordinance. Departments are to make a reading copy of the ordinance available. Department heads are to post signs at each location where people who are potentially subject to its provisions are likely to contact the department. Departments must revise appropriate forms to include a signed certification by contractors and applicants for permits, licenses, grants, and franchises that they are familiar with the requirements of Chapter 2.160 of the Los Angeles County Code. Departments are to distribute copies of Section 2.160.120 of the County Code regarding gifts to all employees whose duties involve responsibilities other than clerical or manual functions. Further, each department's new-employee orientation procedures shall include a copy of Section 2.160.120 of the County Code which shall be given to all new employees who are subject to its provisions.

3.2 All County departments are to periodically review the Lobbyist Ordinance information posted on the website of the Executive Officer of the Board of Supervisors to see whether any individuals or entities directly communicating with the department have failed to comply with the Lobbyist Ordinance. Such periodic reviews are to be performed whenever a department is considering the award of a contract, permit, grant, license, or franchise, or upon receiving notice from the Executive Officer that an individual or entity has been determined to be in violation of the Lobbyist Ordinance.

Section 4.0 Payment Contingent Upon Success Of Influencing - Exception

~~Section 2.160.130 of the Los Angeles County Code imposes restrictions making it unlawful for a County lobbyist or County lobbying firm to:~~

~~"Accept or agree to accept any payment in any way contingent upon success by the county lobbyist or county lobbying firm in influencing official action."~~

The lobbyist ordinance Lobbyist Ordinance prohibits any arrangement whereby the compensation of a contract lobbyist or lobbying firms's compensation for a particular lobbying effort is specifically contingent upon success in that effort.

This section is not intended to prohibit an in-house lobbyist of a County lobbyist employer, including a company sales representative who qualifies as a County lobbyist, from participating in a company profit sharing plan or from receiving a sales commission when a portion of his or her employer's profit or sales volume is generated from business done with the County.

Section 5.0 Failure To Register

5.1 ~~If a lobbyist or employer fails to register by the deadline imposed under the terms of the lobbyist ordinance, the Executive Officer shall send a notice that he or she is not in compliance with the lobbying ordinance. The notice shall include a warning that he or she will be subject to a fine of \$250 if the registration is not filed within 30 days of the date of the letter.~~

~~5.2 — If a person or entity fails to register by the date specified pursuant to Section 5.1 above, the Executive Officer shall send the person or entity a letter notifying him or her of all potential penalties described in Chapter 2.160 of the Los Angeles County Code and requiring compliance within 14 days of the date of the letter.~~

~~5.3 — If a person or entity fails to file the required registration with the Executive Officer by the date specified pursuant to Section 5.2, the Executive Officer shall send a letter notifying him or her that a fine of \$250 has been assessed and that the person or entity may be subject to additional penalties, at the discretion of the Board of Supervisors, including an additional fine of up to \$2,000 if the registration and payment of the \$250 fine are not submitted to the Executive officer within 14 days after the date of the letter.~~

~~5.4 — If the filer fails to register pursuant to the deadline prescribed in Section 5.3, the Executive Officer shall submit a report to the Board of Supervisors stating the facts surrounding the filer's failure to comply with the ordinance and recommending appropriate sanctions in accordance with the ordinance.~~

~~5.5 — If a filer files his registration late pursuant to Section 5.3, but fails to pay the \$250 fine assessed by the Executive Officer, the Executive Officer shall place the matter before the Board of Supervisors pursuant to Section 5.4.~~

Section 6.0 5.0 Lobbyist Quarterly Reports

~~6.1 5.1 Quarterly Reports. Lobbying County lobbyists, lobbying firms (including sole proprietors) and lobbyist employers shall file quarterly reports with the Executive Officer no later than the last by the 20th day of the month following the close of the calendar quarter. Quarterly reports shall be filed on forms provided by the Executive Officer in accordance with instructions accompanying the forms.~~

5.2 Reporting Requirement for Other Persons or Entities

A. A quarterly report shall be filed by "\$5,000 filer," which is any person or entity who is not a lobbyist or lobbying firm, nor employs a lobbyist or contract with a lobbying firm, but who directly or indirectly makes payments to influence official County action aggregating \$5,000 or more in a calendar quarter. The quarterly report shall be filed in the same manner and within the same time as set forth in this Section 5.0. A \$5,000 filer who fails to comply with this Section 5.0 shall be subject to the provisions of Sections 8.0 and 11.0 of these Rules.

B. Examples:

In April, the Association of Valley Growers pays for newspaper advertisements urging readers to communicate with the Los Angeles County Board of Supervisors on a pending County ordinance. The total cost of the advertisements exceeds \$5,000 during the second calendar quarter. The Association qualifies as a \$5,000 filer and must file a report for the second quarter, April 1 - June 30.

In October, the Association of Valley Growers pays a telephone solicitor \$10,000 to call constituents of a Supervisorial District regarding a County ordinance. The

solicitor routes or otherwise directs the constituent to a County Official's office so that the constituent can speak directly to the County Official's staff regarding the ordinance. The Association qualifies as a \$5,000 filer and must file a report for the fourth quarter, October 1 - December 31.

6.2 5.3 Mailed Reports Forms. The Executive Officer shall mail the necessary report forms to each person or entity registered with the Board of Supervisors Executive Officer. Failure of the Executive Officer to mail the necessary report forms shall not relieve that person or entity of any reporting responsibilities the person or entity may have under the ordinance. The forms will be mailed by the end of the quarterly report period. Individuals and entities that register within that last week of the reporting period will receive their quarterly report documents within the following week.

6.3 Timely Reports. ~~Any lobbying firm (including a sole proprietor) or lobbyist employer who does not submit a report timely is not in compliance with the Lobbyist Ordinance. When a report is properly addressed to the Executive Officer, and has been sent first-class mail or by guaranteed overnight delivery service it shall, for purposes of any deadline, be deemed to have been received on the date of the deposit in the mail. It shall be presumed until the contrary is established that any date stamped by the post office or guaranteed overnight delivery service on the envelope containing the report or statement is the date it was deposited in the mail. Mail which is not received by the Executive Officer shall be presumed not to have been sent unless the filer possesses a post office receipt or receipt from a guaranteed overnight delivery service establishing the date of deposit and the name and address of the addressee.~~

5.4 Delivery of Reports. Reports must be originally signed by the filer and transmitted to the Executive Officer via the U. S. Mail, guaranteed overnight delivery service, hand delivery, or by another method which has been expressly approved and authorized by the Executive Officer. Reports that are submitted via fax equipment, or any method not expressly approved and authorized by the Executive Officer, will not be accepted.

6.4 5.5 Reporting payments to lobbyists and lobbying firms by lobbyist employers. All payments to lobbying firms and lobbyists made by lobbyist employers in connection with attempts to influence official actions of the County shall be reported by the lobbyist employer on the quarterly report covering the period during which the payment was made. Similarly, lobbyists and lobbying firms shall report all payments received from a lobbyist employer on the quarterly report covering the period during which the payment was made. Only that portion of a payment to a lobbyist or lobbying firm which includes fees and expenses related to influencing official action of the County need be reported. Any portion of payments to lobbyists and lobbying firms which are in no way related to influencing official action of the County should not be included. Lobbyists, lobbying firms and lobbyist employers shall keep records in order to be able to demonstrate how the reported figures were calculated.

6.5 5.5 Deleting or ceasing activities relative to lobbying. When a County lobbying firm or County lobbyist employer ceases all activities related to influencing official action, this fact shall be indicated in the last quarterly report filed.

Section 7.0 Failure To File a Quarterly Report

~~7.1 — If a filer fails to file a report by the deadline, the Executive officer shall send the filer a notice that he or she is not in compliance with the lobbyist ordinance and notify the filer that he or she will be subject to a fine of \$250 if the report is not filed within 10 days from the date of the letter.~~

~~7.2 — If a filer fails to file his or her report with the Executive Officer by the date specified pursuant to Section 7.1, the Executive Officer shall send the filer a letter notifying him or her that a fine of \$250 has been assessed and that the filer may be subject to additional penalties, at the discretion of the Board of Supervisors, including an additional fine of up to \$2,000 if the quarterly report and payment of the \$250 fine are not submitted to the Executive Officer within 14 days after the date of the letter.~~

~~7.3 — If the filer fails to file pursuant to the deadline prescribed in Section 7.2, the Executive Officer shall submit a report to the Board of Supervisors stating the facts surrounding the filer's failure to comply with the ordinance and recommending appropriate sanctions in accordance with the ordinance.~~

Section 8.0 Public Records

~~The Executive Officer shall make available to the public copies of the registration statements and completed quarterly activity reports. Copies of the current reports are available in the Executive Office, 383 Kenneth Hahn Hall of Administration, 500 W. Temple Street, Los Angeles 90012.~~

Section 9.0 6.0 Registration Amendments and Terminations

~~9.1 6.1~~ An amendment to the registration must be filed, ~~along with a fee of \$15.00,~~ within 10 days for the following changes:

- A. Lobbying firm adding a new lobbyist or lobbyist employer adding a new in-house employee lobbyist. (See also Subsection 6.2 ~~9.2~~ below)
- B. Lobbying firm adding lobbyist employer/client. The lobbying firm is prohibited from representing the new client until the amendment to the registration is complete and filed with the Executive Officer.
- C. Lobbying firm deleting a lobbyist employer/client.
- D. Registered lobbyist employer adding a lobbying firm.
- E. Registered lobbyist employer/client deleting a lobbyist firm.
- F. Lobbying firm or lobbyist employer deleting a lobbyist.
- G. Changes to the registration, such as changing the responsible officer, address, or telephone number.

~~9.2 6.2~~ ~~To~~ An amendment to the registration to add a lobbyist to a currently registered lobbying firm or to add an in-house employee lobbyist of a currently registered lobbyist employer pursuant to ~~9.1A~~ Subsection 6.1 above, requires the payment of a registration fee for each lobbyist or in-house employee lobbyist so

added as provided in Subsections 9.1 and 9.2 of these Rules. An additional registration fee of \$35 is required for each lobbyist to be added.

Section 7.0 Public Records

The Executive Officer shall make available to the public, upon request, copies of the registration statements and amendments and completed quarterly activity reports. Copies of the current statements and reports shall be made available for inspection, upon request, in the Executive Office, 383 Kenneth Hahn Hall of Administration, 500 W. Temple Street, Los Angeles 90012.

Section 8.0 Failure to Register or File Report

8.1 If a County lobbyist, lobbying firm, or lobbyist employer fails to register or file a required report or other document within the time deadline imposed under the terms of the Lobbyist Ordinance and these Rules, the Executive Officer shall send a notice of noncompliance with the ordinance to that person or entity. The notice shall include a warning that the person or entity will be subject to imposition of additional fees as described in Section 9.0 of these Rules, if the registration, report or other required document is not filed, along with payment of any required fees, within 10 days of the date of the letter.

8.2 If a person or entity fails to register or file a required report or other document by the date specified pursuant to Subsection 8.1 above, the Executive Officer shall send the person or entity a letter notifying him or her of all potential additional fees, penalties, and sanctions described in Chapter 2.160 of the Los Angeles County Code and Sections 9.0 and 11.0 of these Rules, and requiring compliance within 14 days of the date of the letter.

8.3 If the filer fails to file the required registration, report or other document, or fails to pay all applicable fees including additional fees for late filing within the time deadline prescribed in Subsection 8.2, the Executive Officer may institute an administrative proceeding to determine the appropriate administrative fines and noncompliance fees to be imposed against the person or entity, and make any recommendations on appropriate actions to the Board of Supervisors, as provided in Section 10.0 of these Rules.

Section 9.0 Fees

9.1. Registration

	<u>Initial Registration</u>	<u>Annual Renewal</u>
<u>County Lobbyist</u>	<u>\$ 35 if filed prior to July 1, 2008</u> <u>\$ 337 if filed during July 1, 2008 through December 31, 2008</u> <u>\$ 450 if filed after January 1, 2009 and during the first three quarters of the calendar year (January through September)</u> <u>\$ 337 if filed after January 1, 2009 and during the last quarter of a calendar year (October through December): \$337</u>	<u>\$450 (effective for the calendar year 2009 and for each year thereafter)</u>
<u>County Lobbying Firm</u>	<u>\$35 if filed prior to December 31, 2008</u> <u>No fee if filed after January 1, 2009</u>	<u>No fee</u>
<u>County Lobbyist Employer</u>	<u>\$35 if filed prior to July 1, 2008</u> <u>\$56 if filed during July 1, 2008 through December 31, 2008</u> <u>\$75 if filed after January 1, 2009</u> <u>\$56 if filed after January 1, 2009 and during the last quarter of a calendar year (October through December)</u>	<u>\$75 (effective for the calendar year 2009 and for each year thereafter)</u>

9.2. Fees for Registration of Additional County Lobbyist. Any registration fees provided in Subsection 9.1 above, shall also be paid for each individual lobbyist or in-house employer lobbyist who is added to the registration of a lobbying firm or lobbyist employer pursuant to Section 6.1 of these Rules.

9.3 Fees for Other Filings. Except as provided in Subsection 9.2 above, there shall be no fee associated with the filing of any amendments to registration or any quarterly reports required under the Lobbyist Ordinance. However, any late filing or failure to file any of the foregoing shall be subject to additional fees as provided in Subsection 9.4 below.

9.4 Additional Fees for Late Filing. If the filing of an initial registration or annual renewal of registration, registration amendment, quarterly report, separate quarterly campaign contribution report, or other document required under the Lobbyist Ordinance is made beyond its due date and the Executive Officer concludes that the filer is in violation of the ordinance, in addition to the regular filing fee set forth in this Section, the filer shall be required to pay an additional fee as follows:

A. \$25 per day for the first ten days after the due date of the filing;

B. Thereafter, \$50 per day for the next ten days if the filing is not made within ten days after the due date; and

C. Thereafter, \$75 per day until the earlier of (1) the date that the filer comes into compliance or (2) the date that any other penalties are imposed by the Board of Supervisors or the Executive Officer as provided in Section 10.0 of these Rules.

9.5 Waiver of Liability for Payment of Additional Fees. The Executive Officer may waive any additional fees imposed under this Section 9.0, in whole or in part, if the violation was not willful and the Executive Officer determines that enforcement of the additional fees would not further the purposes of the Lobbyist Ordinance. Any person or entity seeking such waiver shall complete and submit the form required by the Executive Officer. The request must explain why the filer believes the late filing was not willful and enforcement will not further the purposes of the law. If the filing was late due to exceptional circumstances beyond the filer's control (such as hospitalization, incapacitation or death of the filer, or loss of records due to natural disaster), the request should describe the exceptional circumstances and attach documentation.

Section 10.0 Investigations

~~Any person may file a charge with the Executive Officer that any lobbyist, lobbying firm, lobbyist employer or other person or entity has violated any provision of Chapter 2.160 of the Los Angeles County Code. The violation of the ordinance must be in writing and must be specific in nature. The Executive Officer shall not investigate oral or anonymous allegations. If the Executive Officer deems it advisable, he may refer the matter to the Auditor-Controller for investigation of the allegations. Upon completion of the investigation, the Executive Officer shall make recommendations for appropriate action to the Board of Supervisors.~~

10. 1 Any person may file a charge with the Executive Officer that any lobbyist, lobbying firm, lobbyist employer or other person or entity has violated any provision of the Lobbyist Ordinance. The allegations of any violation of the ordinance must be in writing and must be specific in nature. The Executive Officer shall not investigate oral or anonymous allegations. If the Executive Officer deems it advisable, he or she may refer the matter to the Auditor-Controller for investigation of the allegations.

10.2 Upon receiving a charge that a person or entity has violated the Lobbyist Ordinance, the Executive Officer shall give such person or entity reasonable notice of the charge and opportunity to present information in response thereto. Upon completion of the investigation, the Executive Officer may take any appropriate actions, including but not limited to those actions set forth in Sections 8.0, 9.0 and 11.0 of these Rules.

Section 11.0 Enforcement

11.1 Imposition of Sanctions and Penalties by the Board of Supervisors

A. Upon making a determination that a person or entity has violated the Lobbyist Ordinance, the Executive Officer may submit a written report to the Board of Supervisors, recommending imposition of the sanctions and penalties provided herein.

B. If the Board of Supervisors agrees with any of the recommendations, any of the following sanctions and penalties may be imposed against any person or entity ("violation") who has been found to be in violation of the Lobbyist Ordinance:

1. The violator shall be refused permission to address the Board of Supervisors or any County commission, except on his or her own behalf, during such period that the violator remains in noncompliance, including failure to satisfy any other penalties, including payment of required fees, imposed under the Lobbyist Ordinance.

2. A person or entity on whose behalf the violator acted shall be denied the County contract, permit, grant, license or franchise that was the objective of the improper lobbying activities.

3. The registration of the violator shall be terminated and the violator shall be required to pay all fees and penalties imposed under these Rules. In addition, the violator shall not be permitted to re-register as a lobbyist, lobbying firm, or lobbyist employer as follows:

a. No previous violations: the violator shall be prohibited from re-registering for a period of up to three months following the Board's approval of the termination of the registration;

b. One previous violation: the violator shall be prohibited from re-registering for a period of up to six months following the Board's approval of the termination of the registration;

c. Two or more previous violations: the violator shall be prohibited from re-registering for a period of up to twelve months following the Board's approval of the termination of the registration.

4. The violator shall be liable in a civil action brought by the County for an amount up to \$5,000.00 for each failure to comply.

11.2 Imposition of Administrative Fines and Noncompliance Fees by Executive Officer.

A. In addition to or in lieu of making a recommendation to the Board of Supervisors for imposition of sanctions and penalties pursuant to Subsection 11.1 above, the Executive Officer may commence a proceeding to determine whether an administrative fine or noncompliance fee shall be imposed against the person or entity as provided herein.

B. Any violation of the Lobbyist Ordinance is subject to an administrative fine of up to \$5,000.00, and a noncompliance fee of up to \$5,000.00, which shall be determined by the Executive Officer, as set forth in the Operational Procedures approved by the Board of Supervisors.

11.3 Referral to Treasurer and Tax Collector. Any person or entity who fails to satisfy any penalties, fees, or fines imposed pursuant to Subsections 11.1 and 11.2 of these Rules shall be referred for collection to the Los Angeles County Treasurer and Tax Collector.

11.4 Waiver of Liability. The Board of Supervisors may, in its discretion, waive any of the sanctions, penalties, administrative fines or noncompliance fees described in Subsections 11.1 and 11.2 of these Rules, in whole or in part, if it determines that there was no willful violation and enforcement would not further the purposes of the Lobbyist Ordinance.

**OPERATIONAL PROCEDURES FOR ENFORCEMENT OF CHAPTER 2.160 OF
THE LOS ANGELES COUNTY CODE -- COUNTY LOBBYISTS**

The following operational procedures apply to the enforcement of the provisions of Chapter 2.160 of the Los Angeles County Code, and incorporate by reference the applicable provisions of Chapter 2.160 of the Los Angeles County and corresponding rules approved by the Los Angeles County Board of Supervisors.

I. COMPLAINTS AND ALLEGATIONS

- A. Any person may file a complaint alleging any violation(s) of Chapter 2.160 of the Los Angeles County Code with the executive officer. The complaint must be in writing and specify the alleged violation(s). The complaint must also include the name and contact information of the complainant.
- B. The executive officer may also initiate an investigation of any alleged violation of Chapter 2.160 of the Los Angeles County Code.

II. DEFINITIONS

- A. **"Enforcement officer"** means the person who has been delegated with the power to enforce the provisions of Chapter 2.160 of the Los Angeles County Code.
- B. **"Executive officer"** means the executive officer of the board of supervisors.
- C. **"Hearing officer"** means the person appointed by the executive officer to conduct administrative hearings. The hearing officer shall not be the enforcement officer or his or her immediate supervisor.
- D. **"Person or entity"** means any natural person, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert.
- E. **"Responsible person or entity"** means a person or entity responsible for, or alleged to be responsible for, a violation of Chapter 2.160 of the Los Angeles County Code.
- F. **"Violator"** means a person found to be in violation of Chapter 2.160 of the Los Angeles County Code.

II. REVIEW AND INVESTIGATION

- A. The executive officer may determine to refer the investigation to the auditor-controller or refer the complaint or complainant to another governmental agency. In either event, the executive officer shall provide written notice of the action to the complainant.
- B. Upon receiving a referral from the executive officer, the auditor-controller shall conduct an investigation of the complaint or alleged actual or potential violations, and may request additional information from the complainant, county officials or agencies, other government agencies, or if necessary and appropriate, from the alleged violator.

III. DETERMINATION

- A. After completion of the investigation, the executive officer shall determine whether to issue a notice of violation, with or without a correction period, a notice of administrative fine, and/or a notice of noncompliance, as provided herein.
- B. **Relevant factors.** In determining whether to issue a notice of violation and/or notice of administrative fine, the executive officer shall consider all relevant circumstances including, but not limited to, the following factors:
 - 1. The nature and extent, number, or frequency of violation(s);
 - 2. The presence or absence of any intention on the part of the violator to conceal, deceive or mislead;
 - 3. Whether the violation was deliberate, negligent or inadvertent;
 - 4. Whether the violator sought and relied on advice from an attorney, or a county agency or official such as the county counsel;
 - 5. Whether the violation was an isolated incident or part of a series or pattern of violations;
 - 6. Whether the violator has any prior history of violations of county ordinances or rules, or other laws;
 - 7. Whether another public entity has determined that the violator engaged in prohibited conduct similar to that specified in Chapter 2.160 of the Los Angeles County Code;
 - 8. The degree to which the violator cooperated fully during the investigation by the executive officer or auditor-controller, including, but not limited to, disclosure of all pertinent information known to the violator;
 - 9. The degree to which the violator cooperated with the executive officer to remedy a violation; or
 - 10. Other factors that are appropriate to the circumstances of the particular case.

- C. **Correction period.** For first-time violators and/or minor violations, the executive officer may provide a correction period and, if so, shall not issue a notice of administrative fine unless the violator has failed to remedy the violation with the time provided.
- D. **Amount of administrative fine.** After considering the nature and extent of the violation and all relevant circumstances which include, but are not limited to, the factors listed above, the executive officer may impose an administrative fine of up to \$5,000.00 for each violation of Chapter 2.160 of the Los Angeles County Code.
- E. **Noncompliance fee.** The executive officer may also impose a noncompliance fee, to be separately determined by the board of supervisors, which may not exceed the amount reasonably necessary to recover the cost incurred by the executive officer in enforcement of the code, including but not limited to responding to complaints, performing investigations, and issuing notices.

IV. NOTICES

- A. **Notice of violation.** If the executive officer determines that there has been a violation of Chapter 2.160 of the Los Angeles County Code, the executive officer may issue a notice of violation to the violator and/or responsible person or entity.
 - 1. **Contents – with correction period.** The notice of violation may specify a correction period, if, in the judgment of the executive officer, a correction period is warranted. The executive officer may grant a reasonable extension of any correction period specified in a notice of violation, if in his or her judgment, an extension is warranted. A notice of violation that includes a correction period shall contain the following information:
 - a. The name of the violator and/or responsible person or entity;
 - b. The code section violated;
 - c. A description of the code violation;
 - d. The name of the enforcement officer;
 - e. The correction period in which the violator and/or responsible person or entity must correct the code violation;
 - f. The procedures for obtaining an extension of the correction period; and
 - g. A statement that failure to correct or remedy the code violation prior to expiration of the correction period or any extensions thereof, shall result in the issuance of a notice of administrative fine and/or notice of noncompliance fee.

2. **Contents – without correction period.** If the notice of violation does not provide for a correction period, it shall contain the information described in subsection B of this rule pertaining to notices of administrative fines.
3. **Service.** The executive officer shall serve a notice of violation by personal delivery to the violator and/or responsible person or entity, or by first class mail, postage prepaid, to the last known address of the violator and/or responsible person or entity. Service by personal delivery shall be deemed effective at the time of personal delivery. Service by mail as described above shall be deemed effective five (5) calendar days following the date of mailing.

B. Notice of administrative fine. A notice of administrative fine may be issued concurrently with the notice of violation as provided in these rules.

1. **No issuance before expiration of correction period.** If the notice of violation also specifies a correction period, a notice of administrative fine shall not be issued prior to the expiration of the correction period or such extensions of the correction period as may have been granted pursuant to these rules. If the violation has not been corrected or otherwise remedied prior to the expiration of the correction period or any extensions thereof, the executive officer may issue a notice of administrative fine to the violator and/or responsible person or entity.
2. **Contents.** A notice of violation and administrative fine shall contain the following information:
 - a. A statement that an administrative fine is being imposed on the violator and/or responsible person or entity pursuant to Chapters 1.25 and 2.160 of the Los Angeles County Code;
 - b. The name of the violator and/or responsible person or entity;
 - c. The code section violated;
 - d. A description of the code violation;
 - e. The name of the enforcement officer;
 - f. The amount of the fine for the code violation and the procedure to pay the fine;
 - g. The procedures for requesting an administrative hearing to contest the imposition of the administrative fine and for requesting a hardship waiver, pursuant to these rules.

3. **Service.** Service of a notice of administrative fine by personal delivery shall be accomplished in the same manner as required for service of a notice of violation, as specified in these rules.
4. **Decision final unless hearing requested.** Unless a violator and/or responsible person or entity requests an administrative hearing to contest imposition of the administrative fine pursuant to these rules, the notice of administrative fine shall constitute the final administrative order of the county with respect to said administrative fine, and the fine shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following service of the notice of administrative fine. Payment of an administrative fine shall not excuse the violator and/or responsible person or entity from correcting the code violation, when required by the executive officer.
5. **Other enforcement actions not precluded.** The issuance of a notice of administrative fine and/or payment thereof does not preclude the executive officer from taking any other enforcement action in response to a code violation, including, but not limited to, issuing notices of noncompliance fees, as provided for in Los Angeles County Code sections 1.25.060 and 1.25.070, and/or making referrals to the county counsel for the filing of a civil enforcement action or to the Treasurer and Tax collector for collection.

C. **Notice of noncompliance fee.** Whenever the executive officer issues a notice of violation, the executive officer is authorized to issue a notice of noncompliance fee to the violator and/or responsible person or entity. The executive officer may issue the notice of noncompliance fee concurrently with the notice of violation, or in his or her discretion, may issue the notice of noncompliance fee upon the expiration of any correction period or extension thereof.

1. **Contents.** Each notice of noncompliance fee shall contain the following information:
 - a. A statement that a noncompliance fee is being imposed on the violator and/or responsible person or entity pursuant to Chapters 1.25 and 2.160 of the Los Angeles County Code;
 - b. The name of the violator and/or responsible person or entity;
 - c. The code section violated;
 - d. A description of the code violation;
 - e. The name of the enforcement officer;

- f. The amount of the noncompliance fee and the procedure to pay the fee; and
 - g. The procedures for requesting an administrative hearing to contest the imposition of the noncompliance fee and for requesting a hardship waiver, pursuant to these rules.
- 2. **Decision final unless hearing requested.** Unless a violator and/or responsible person or entity requests an administrative hearing to contest imposition of the noncompliance fee, pursuant to these rules, the notice of noncompliance fee shall constitute the final administrative order of the county with respect to the noncompliance fee, and the fee shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following service of the notice of noncompliance fee.
- 3. **Service.** The executive officer shall serve a notice of noncompliance fee in the same manner as required for service of a notice of administrative fine, as specified in these rules.
- 4. **Other enforcement actions not precluded.** Payment of a noncompliance fee shall not excuse the violator and/or responsible person or entity from correcting the code violation. The issuance of a notice of noncompliance fee and/or payment thereof does not preclude the executive officer from taking any other enforcement action in response to a code violation, including, but not limited to, issuing notices of administrative fines and/or making referrals to the county counsel for the filing of a civil enforcement action and/or the Treasurer and Tax Collector for collection.

V. REQUEST FOR ADMINISTRATIVE HEARING

- A. **Procedure.** Any violator and/or responsible person or entity served with a notice of administrative fine and/or notice of noncompliance fee, or the authorized representative of a violator and/or responsible person or entity, may request an administrative hearing before a hearing officer to contest the imposition and/or the amount of the administrative fine and/or the noncompliance fee.
 - 1. The request must be made in writing and filed with the executive officer within ten (10) calendar days following the date of service of the notice of administrative fine and/or notice of noncompliance fee.
 - 2. The request must include a statement indicating the basis on which the violator and/or responsible person or entity contests the

imposition of the administrative fine and/or noncompliance fee, together with any evidence that the violator and/or responsible person or entity wants the hearing officer to consider.

3. The request must include the mailing address and telephone number of the violator and/or responsible person or entity for the purpose of correspondence or other communication by the executive officer and/or hearing officer.
4. The request must be accompanied by a deposit equal to the full amount of the administrative fine as specified in the notice of administrative fine, and/or the full amount of the noncompliance fee as specified in the notice of noncompliance fee; or a request for hardship waiver of the deposit requirement, as described below. If no hardship waiver is requested, the failure to deposit the amount of the fine and/or fee concurrently with the request for administrative hearing shall constitute a waiver of the violator and/or responsible person or entity entitlement to the administrative hearing. The hearing request and fine and/or fee deposit shall be deemed filed on the date received by the executive officer.

B. Hardship waiver. A hardship waiver request must be made in writing and filed with the executive officer concurrently with the request for administrative hearing. A hardship waiver request must be accompanied by a sworn affidavit, together with supporting documents or materials, demonstrating the financial inability of the violator and/or responsible person or entity to deposit the amount of the administrative fine and/or noncompliance fee.

1. The executive officer shall review any hardship waiver request and determine, in his or her sole discretion, whether to grant any such request and shall provide written notice by first class mail, postage prepaid, of his or her determination to the violator and/or responsible person or entity at the address contained in the request for administrative hearing.
2. If a request for hardship waiver is granted, the violator and/or responsible person or entity shall not be required to deposit the amount of the fine and/or fee prior to the administrative hearing. The granting of a hardship waiver shall not excuse the payment of the administrative fine and/or the noncompliance fee upon a final determination that it is owed.
3. If a request for hardship waiver is denied, the violator and/or responsible person or entity shall deposit the amount of the

administrative fine and/or the amount of the noncompliance fee with the executive officer within ten (10) calendar days following the date of the notice of the executive officer's determination. Failure to make a timely deposit following the executive officer's denial of a hardship waiver request shall constitute a waiver of the violator and/or responsible person or entity's entitlement to an administrative hearing.

VI. HEARING

- A. Notice of hearing.** After receiving a timely hearing request and deposit or having acted on a timely request for a hardship waiver with respect to such deposit, the executive officer shall schedule an administrative hearing. The violator and/or responsible person or entity shall be given not less than ten (10) calendar days' prior written notice by first class mail, postage prepaid, of the date, time, and place of the administrative hearing and the name of the hearing officer who will conduct the administrative hearing.
- B. Date of hearing.** Except as otherwise provided herein, the hearing officer shall conduct a hearing on the date, time, and place specified in the notice provided for in these rules.
 - 1. The hearing officer may, in his or her discretion, grant a continuance of the hearing date upon a written request showing of good cause made by the violator and/or responsible person or entity or the executive officer.
 - 2. The request must be received by the hearing officer at least two (2) business days prior to the hearing date. A copy of the continuance request must also be personally served on the executive officer if made by the violator and/or responsible person or entity, and on the violator and/or responsible person or entity if made by the executive officer.
 - 3. In no event shall the continuance be longer than forty-five (45) calendar days from the originally scheduled hearing date.
- C. Conduct of hearing.**
 - 1. **Evidence from executive officer.** The notice of violation, notice of administrative fine, and any other reports prepared by or for the executive officer concerning the violation, shall be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in those documents. The executive officer, or his or

her delegate, shall represent the county directly, or in conjunction with other county departments.

2. Appearance by responsible person. The hearing officer shall provide the violator and/or responsible person or entity the opportunity to present oral testimony and written evidence relevant to the hearing officer's determination of the matter.

a. Failure of the violator and/or responsible person or entity to appear at the administrative hearing shall constitute an abandonment of the hearing request and a failure to exhaust administrative remedies to judicially challenge the imposition of the administrative fine and/or the imposition of the noncompliance fee.

b. If the administrative hearing is abandoned, the executive officer shall keep the funds deposited with the hearing request, unless a hardship waiver was granted, in which case the administrative fine and/or the noncompliance fee shall be due and payable by the violator and/or responsible person or entity to the executive officer within ten (10) calendar days following the date that had been set for the administrative hearing.

3. Presentation of evidence. The hearing officer shall allow for sufficient time for presentation of evidence and may continue the hearing from time to time, in his or her discretion, to allow for the orderly completion thereof. After receiving all of the evidence submitted at the hearing, the hearing officer may further continue the hearing and request additional information from either the executive officer or the violator and/or responsible person or entity, or close the hearing.

4. Consideration of evidence.

a. After receiving all of the evidence and closing the hearing, the hearing officer shall make a written determination as provided for in these rules.

b. The executive officer bears the burden of proof of establishing the existence of the violation and the propriety of the administrative fine and/or noncompliance fee by a preponderance of the evidence.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant

evidence may be admitted if it is the sort of evidence on which violator and/or responsible person or entity are accustomed to rely in the conduct of serious affairs. Failure to make a timely objection to evidence constitutes a waiver of the objection.

- d. The hearing officer may only consider the evidence properly admitted into the record before him and shall not consider any oral or written evidence submitted after the hearing is closed.
- e. The hearing officer may announce his or her decision to the violator and/or responsible person or entity at the conclusion of the hearing, or may take the matter under submission and upon reaching a decision, provide written notice of his or her decision to the violator and /or responsible entities.

VII. DECISION

- A. Written decision.** The hearing officer shall have up to fourteen (14) calendar days after the close of hearing to issue a written decision to either confirm or cancel the administrative fine and/or noncompliance fee, or to reduce the amount of the administrative fine and/or noncompliance fee.
 - 1. The decision shall include a statement of the reasons for the decision, which shall be consistent with the applicable provisions of Chapter 2.160 of the Los Angeles County Code, the corresponding rules approved by the Los Angeles County Board of Supervisors, and these operational procedures. The decision shall also inform the violator and/or responsible person or entity of the availability of judicial review of the decision.
 - 2. The decision shall be served by first-class mail, postage prepaid, or by personal delivery, on the violator and/or responsible person or entity and the executive officer.
 - 3. The hearing officer's written decision shall constitute the final administrative decision of the county.
 - 4. The executive officer may request the Board of Supervisors to approve imposition of any additional penalties as provided for in Chapter 2.160 of the Los Angeles County Code.
- B. Confirmation of fine/fee.** If the hearing officer confirms the imposition of the full amount of the administrative fine and/or noncompliance fee, the executive officer shall keep the funds deposited with the hearing request,

unless a hardship waiver was granted. If a hardship waiver was granted, the violator and/or responsible person or entity shall pay the administrative fine and/or noncompliance fee to the executive officer within thirty (30) calendar days following the date of the hearing officer's written decision.

- C. **Reduction of fine/fee.** If the hearing officer reduces the administrative fine and/or the noncompliance fee, the executive officer shall refund the appropriate amount of the funds deposited with the hearing request to the violator and/or responsible person or entity within thirty (30) calendar days from the date of the written decision, unless a hardship waiver was granted. If a hardship waiver was granted, the violator and/or responsible person or entity shall pay the reduced amount(s) to the executive officer within thirty (30) calendar days following the date of the hearing officer's written decision.
- D. **Cancellation of fine/fee.** If the hearing officer cancels the administrative fine and/or the noncompliance fee, the executive officer shall refund the entire amount of the funds deposited with the hearing request to the violator and/or responsible person or entity within thirty (30) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case no further action is necessary.
- E. **Right to Judicial Review**
 - 1. A violator and/or responsible person or entity may seek judicial review of the hearing officer's written decision pertaining to the imposition of an administrative fine by filing an appeal with the superior court in accordance with the time periods, procedures, and other requirements set forth in section 53069.4 of the California Government Code.
 - 2. If no appeal of the hearing officer's written decision is filed within the time period set forth in section 53069.4 of the California Government Code, the hearing officer's decision shall be deemed confirmed.